



**COMMITTEE MEMBERSHIP:**

M. Gingell (Chair), K. Murphy (ex-officio) (Vice-Chair), S. Browne  
S. Olander (ex-officio), R. Peaty, J. Robertson, E. Taylor, J. Wooddissee

**FOR INFORMATION:**

J. Welch, D. Collins, S. Kiddie, A. Kitchen, G. Waterman, L. Sinfield  
Town Clerk

**DISS TOWN COUNCIL**

Council Offices, 11-12 Market Hill,  
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**DEPUTY TOWN CLERK/CHIEF  
OPERATIONS OFFICER (COO)**

Miss S French (CiLCA)

Our ref: EX 28.06.23

Date: 11/09/2023

**ALL MEMBERS OF THE EXECUTIVE COMMITTEE**

Dear Councillor,

You are hereby summoned to attend a meeting of the **Executive Committee** to be held in the **Council Chamber at Diss Corn Hall** on Wednesday 20<sup>th</sup> September **2023** at **7.15pm** to consider the business detailed below.

Chief Operations Officer / Deputy Town Clerk

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**AGENDA**

- 1. Apologies.**  
To receive and consider apologies for absence.
- 2. Nomination of Substitute Representatives**  
To note nominated substitute representatives attending in place of those who have sent their apologies.
- 3. Declarations of Interest and Requests for Dispensations**  
To note any declarations of members' pecuniary and/or non-pecuniary/other interests pertaining to items on the following agenda, to note any dispensations granted in respect of business to be discussed and to consider any requests for dispensations.
- 4. Minutes**  
To confirm as a true record, the minutes of the Executive Committee meeting held on 28<sup>th</sup> June 2023. (Copy herewith)
- 5. Public Participation**  
To consider a resolution under Standing Orders 3d to 3h to suspend the meeting to hear comments from members of the public on items to be discussed on the agenda To consider a resolution under Standing Orders 3d to 3h to suspend the meeting to hear comments from members of the public on items to be discussed on the agenda (*the period of designated*

*time for public participation is 20 minutes unless directed by the Chairman of the meeting and individual members of the public are entitled to speak for a maximum of five minutes each).*

**6. Items of URGENT business**

To discuss any item(s) of business which the Chair or (Deputy) Town Clerk has previously been informed at least 24 hours before the meeting and decides should be considered as a matter of urgency (*councillors are reminded that no resolutions can be made under this agenda item*).

**7. Finance**

- a) To receive a report explaining the Asset Register Variances (Report reference 26/2324 herewith).
- b) To ask for and encourage additional councillors to step forward and volunteer as signatories to authorise payments for both Barclays and Lloyds bank accounts. Your participation is crucial in ensuring efficient financial operations and oversight ensuring council accountability and governance.
- c) To receive a report relating to a bad debt write off (Report reference 27/2324 herewith).

**8. Policies to be read in advance of the meeting, any comments to be sent to the COO or Chair of Executive)**

- a) To approve a new dignity at work, bullying and harassment policy (copy details herewith). This policy will replace the current Bullying and Harassment policy.
- b) To approve the new dignity at work Guidance Notes (To be used in conjunction with the policy) (Copy details herewith).

**9. Progress report**

To note progress on decisions made at the last meeting of this committee will be reviewed at the June meeting.

**10. Date of Next Meeting**

To note that the next meeting of the Executive Committee is scheduled to take place on Wednesday 6<sup>th</sup> December 2023 at 7.15pm.

**11. Public Bodies (Admissions to Meetings)**

To consider a resolution under the Public Bodies (Admissions to Meetings) Act 1960 and Standing Orders 3d to exclude members of the public and press in order to discuss the following item which is properly considered to be of a confidential nature.

**12. Staffing Update**

To receive a report on current staffing. (Report reference 25/2324 herewith).

**NOTES**

1 - Council has a statutory legal duty under the Localism Act 2011 s2 and has adopted a code dealing with the conduct that is expected of members in order to promote high standards of conduct as required by the Act. Members' disclosable pecuniary interests are kept on a register available to view on the Council's website. Allegations about the conduct of a councillor may be made to the district council's monitoring officer. Diss Town Council has also adopted a dispensation policy.

The reports and enclosures referred to in this agenda are available (unless marked confidential) for public inspection on our website.

## DISS TOWN COUNCIL

## MINUTES

DRAFT

Minutes of the meeting of the Executive Committee held in the **Council Chamber** at **Diss Corn Hall** on **Wednesday 28<sup>th</sup> June 2023 at 7.15pm.**

Present: Councillors: M. Gingell (Chair)  
K. Murphy (Vice-Chair)  
R. Peaty  
J. Robertson  
E. Taylor (ex-officio)  
J. Wooddissee

In attendance: S. French (COO/Deputy Town Clerk)

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**EX0623/01 ELECTION OF CHAIRMAN OF THE EXECUTIVE COMMITTEE FOR THE MUNICIPAL YEAR 2023/24.**

Members discussed the election of the Chair of the Executive Committee. It was

RESOLVED: To elect Councillor Gingell to continue as the Chair of the Executive Committee.  
(Action: COO immediately)

**EX0623/02 APOLOGIES**

There were none.

**EX0623/03 ELECTION OF VICE-CHAIRMAN OF THE EXECUTIVE COMMITTEE FOR THE MUNICIPAL YEAR 2023/24**

Members discussed the election of a new Vice-Chair of the Executive Committee. Councillor Browne put herself forward for the role. It was

RESOLVED: To elect Councillor Browne as the new Vice Chair of the Executive Committee.  
(Action; COO immediately)

**EX0623/04 NOMINATION OF SUBSTITUTE REPRESENTATIVES**

There were none.

**EX0623/05 DECLARATIONS OF INTEREST**

There were none.

**EX0623/06 MINUTES**

Members confirmed that the minutes of the Executive Committee meeting held on 1<sup>st</sup> March 2023, were a true record and signed by the Chairman.

**EX0623/07 PUBLIC PARTICIPATION**

There were no members of the public present.

**EX0623/08 ITEMS OF URGENT BUSINESS**

Members discussed item(s) of business which the Chair or Town Clerk has previously been informed of at least 24 hours before the meeting and should be considered as a matter of urgency (*councillors are reminded that no resolutions can be made under this agenda item*).

**EX0623/09 ASSET REGISTER REVIEW**

Members noted the contents of the Asset Register Review (report ref: 08/2324).

Councillors discussed the clocks on the Asset Register, there were discussions around whether to utilise them or put them up for sale as per the RFO recommendations in the Asset Report. Councillors noted that one of the clocks was manufactured in Diss and would be of significant value to the Town and should be displayed. In the Council Chamber.

Councillors were advised that if they wanted to discuss the clocks further and make a resolution they would need to contact the Clerk to have the item placed on the Full Council agenda. Council discussed the variances in the figures of some of the assets owned by the Council in the Asset Register.

Committee would like an explanation of the variances in a report by the RFO to the next Executive Committee in September.

**(Action; RFO by September Executive Committee meeting)**

**EX0623/10**     **INTERNAL AUDITORS REPORT (FINAL 22-23)**

Members received the Councils Internal Audit report for the financial year to 31<sup>st</sup> March 2023 (ref: 06/2324) It was

**RESOLVED:** To note the contents of the internal audit report 2022/23 (final) (Appendix A).  
To approve proposed actions as appropriate responses to the internal audit report's recommendations for ratification at the July Full Council meeting.

**(Action; RFO immediately)**

**EX0623/11**     **STRATEGIC PLAN**

Members noted progress on the Strategic Plan.

**EX0623/12**     **POLICIES TO BE READ IN ADVANCE OF THE MEETING, COMMENTS TO BE SENT TO COO OR CHAIR OF EXECUTIVE COMMITTEE**

Members discussed the new dignity at work, bullying and harassment policy and agreed that it was too corporate and seemed a little wordy. It was:

**RESOLVED**

a) To agree to bring back the bullying and harassment policy to the September meeting with changes made to the document as agreed by Committee.

b) To approve a new document control and records management policy.

c) To approve the revised staff TOIL policy document.

**(Action; COO immediately)**

**EX0623/13**     **PROGRESS REPORT**

Members noted progress on decisions made at last the meeting of this committee. The RFO requested the Chair to enquire whether any members of the Executive committee would wish to become a signatory, this was discussed and Councillor Peaty is happy to be a new signatory on the Barclays and Lloyds accounts.

**EX0623/14**     **DATE OF NEXT MEETING**

Members noted that the next meeting of the Executive Committee is scheduled to take place on Wednesday 20<sup>th</sup> September 2023.

**EX0623/15**     **PUBLIC BODIES (ADMISSIONS TO MEETINGS)**

members considered a resolution under the Public Bodies (Admissions to Meetings) Act 1960 and Standing Orders 3d to exclude members of the public and press in order to discuss the following item which is properly considered to be of a confidential nature.

**EX0623/16**     **STAFF TRAINING**

Members considered a request by the Chief Operations Officer / Deputy Town Clerk to complete level 5 in Community Governance (Confidential report ref 07/2324). Council discussed the request. It was

**RESOLVED:** 1. To agree funding for the COO to enrol, attend and complete a Degree in Community Governance from the University of De-Montford.

2. To agree to the same conditions as were agreed by Council at Level 4.  
**(Action, COO immediately)**

Meeting closed at: 20:07

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Chairman: Mark Gingell



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Report  
Number:  
**26/2324**

Report to:	Executive Committee
Date of Meeting:	20 <sup>th</sup> September 2023
Authorship:	RFO
Subject:	Asset Register Variance explanation

### Introduction

1. Minute EX0623/09 requested that “Committee would like an explanation of the variances in a report by the RFO to the next Executive Committee”.
2. This report refers to the Joint Panel on Accountability and Governance (JPAG) Practitioners Guide from March 2023 to evaluate practices and procedures against guidance.

### Assets Valuations

3. The asset register is currently formatted in the following example:

Asset Code	Description	Original Cost	Current Value	Insurance Value
<b>Facilities</b>				
ALLOT001	Allotment Sheds	5,150.00	6,090.27	7,753.40
ART001	2x Paintings	4,884.38	4,884.38	7,353.49
BEAC001	Beacon of Hope	1,300.00	1,300.00	1,560.00
BENC001	Market Benches	2,679.83	2,679.83	4,034.50
BENCH001	4x Metal Picnic Benches	2,653.15	2,653.15	3,994.36
BINS001	20x Bins	3,654.80	3,654.80	5,502.32
CAM001	Camera	250.00	275.91	351.26
CEMBENC01	Cemetary Benches x8	3,200.00	3,200.00	4,073.86
CEMBUN01	Cemetery Bungalow Building	124,630.00	120,000.00	203,013.00

4. Relevant JPAG Guidance on assets for members attention is as follows:

Section 2.27 Proper practices in Section 2 of the Guide state that the value of the cell at Line 9 is taken from the authority’s asset register which is up to date at 31 March and includes all capital acquisition and disposal transactions recorded in the cashbook during the year. A particular method of asset valuation is not specified in proper practices so authorities may use any reasonable approach to be applied consistently from year to year. The method of asset valuation adopted should be set out in a policy approved by the authority and recorded in authority’s minutes and in the asset register.

Section 5.64 AGS Assertion 2 internal control states for authorities covered by this Guide, an appropriate and commonly used method of fixed asset valuation for first registration on the asset register is at acquisition cost. This means that in most circumstances once recorded in the asset register, the recorded value of the asset will not change from year to year, unless the asset is materially enhanced. Commercial concepts of depreciation, impairment adjustments, and revaluation are not

required or appropriate for this method of asset valuation. For reporting purposes, therefore, the original value of fixed assets will usually stay constant throughout their life until disposal.

5. The above demonstrates that the use of the original cost as the asset value as recorded in the balance sheet is correct and appropriate.
6. It has highlighted that a suitable policy could be created for approval by the council and recorded in the authority's minutes and in the asset register.

#### **Insurance Valuation on Assets**

7. The Chattels (moveable, tangible, assets) are insured based on the cost of original purchase and adjusted for inflation each year. These rates are calculated by the insurance company to ensure that replacement values are sufficient.
8. The properties insured by the council are now being systematically assessed and revalued by Boulton and Brown Surveyors. The insurance value reflects the cost to replace and not the market value. The market value is shown in the current value column based on information from Boulton and Brown Surveyors.
9. Land assets such as the Heritage Triangle Streetscape, Rectory Meadow Grounds and the Park Grounds are unable to be insured directly although the assets contained within them are and they do all have public liability insurance.

#### **Recommendation**

That the Executive Committee resolve to create a suitable asset register and valuation policy document for approval.



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Report Number:  
**27/2324**

Report to:	Executive Committee
Date of Meeting:	20 <sup>th</sup> September 2023
Authorship:	RFO
Subject:	Bad debt write off

### Introduction

1. Section 1.12 d) of Diss Town Council's financial regulations state that "any bad debts are not submitted to the Council for approval to be written off except with the approval of the Executive Committee and that the approval are shown in the accounting records".

### Bad debt write off

2. Invoice 10036 to Rare Items was issued on 31/03/22 for market stallage totalling £38.10. Originally the trader was keen to be a regular trader, so traded in March for three weeks through the diary system and then was set up as a regular trader by means of a quarterly invoice. This takes a fair number of administrative resources.
3. Once the invoices were received, we were informed that he no longer wished to trade on the market due to lack of sales and the quarterly invoice was credited.
4. As there was trading on the market for the 2 weeks in March 22 the invoice remains outstanding.
5. The financial assistant has chased this on numerous occasions both via email and left messages on voicemail with no response. This was escalated to the RFO who chased for payment to no avail.
6. It is the opinion of the RFO that the amount is not material, and no further resources should be put into this case. It is recommended that the invoice is written off as a bad debt, and that the Executive committee approve the write off to the Full Council meeting in October 2023, and that the meeting minute is recorded in the accounting records.

### Recommendation

That the Executive Committee recommend to the Executive Committee that invoice 10036 totalling £38.10 is written off.



## DIGNITY AT WORK POLICY

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**[Diss Town Council] believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council and to comply with this policy**

Clerk and CEO are inter-changeable titles, as are Deputy Clerk and COO.

### **1. Introduction**

- 1.1 Diss Town Council is committed to creating a working environment where all council employees, councillors, volunteers and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.
- 1.2 Diss Town Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, this incorporates politeness and courtesy in behaviour, speech, and in the written word.
- 1.3 This policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### **2. Scope**

- 2.1 This policy covers bullying and harassment of and by clerks, officers and all employees engaged to work at Diss Town Council. Should staff, volunteers or contractors have a complaint connected to their engagement with the Council this should be raised to their line manager in the first instance. If they feel that they are not able to make a complaint to the line manager or the complaint is about the Clerk the complaint should be raised to the Chair of the Executive Committee.
- 2.2 Complaints about other employment matters will be managed under the council's grievance policy.
- 2.3 It is noted that the management of a situation may differ depending on who the allegations relate to (e.g., employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

### **3. The position on bullying and intimidation and harassment**

- 3.1 All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Diss Town Council will not tolerate bullying, intimidation or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not.

- 3.2 Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g., physical violence, harassment), in some circumstances the treatment may amount to civil offence and a criminal offence.
- 3.3 We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, and all other policies and procedures set by the Council.
- 3.4 Allegations of bullying and harassment will be treated seriously. Such behaviour constitutes discrimination and is unlawful. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.
- 3.5 False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. In the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

## Harassment

- Where a person is subject to uninvited and unwanted conduct that violates their dignity, in connection with a protected characteristic
- It can be an isolated incident, or it can take the form of repeated behaviour against a person
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

## Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.
- Bullying is generally behaviour that is identified as misuse of power. Bullying is primarily intimidating in nature, but may also be insulting, offensive or malicious. It is frequently recognised through the abuse or misuse of power through means intended to undermine, humiliate, denigrate or create a detriment for the employee.

## 4. What Type of Treatment amounts to Bullying or Harassment?

- 4.1 'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that

person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. It is indicative of a lack of respect for the person harassed, undermines the employee's position and may have a negative impact upon health, job performance and sense of personal welfare and security.

#### 4.2 Examples of bullying and harassment include:

- Physical conduct ranging from the invasion of personal space, unwelcome touching to serious assault
- comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies, repeated remarks in reference to personal traits or appearance.
- Physical abuse such as hitting, pushing or open aggression ie threats/shouting
- Deliberately blocking leave without a valid reason
- preventing individuals progressing by deliberately blocking promotion or training applications without a valid reason.
- unfair allocation of work and responsibilities
- behaviour which makes direct or indirect reference to disability or impairment, and which causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability
- deliberately setting objectives with unreasonable deadlines or changing objectives unfairly
- Unfair treatment
- Abusing a position of power

4.3 Bullying and harassment can occur through verbal and face to face interactions but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

4.4 It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable, and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear; however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

4.5 Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines and should not be interpreted as anything different.

## **5. Victimisation**

- 5.1 Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
- 5.2 Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.
- 5.3 Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## **6. Reporting Concerns**

### **6.1 What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your line manager in the first instance or, with the clerk/or Chair of the Executive Committee. Any such report will be taken seriously. The Town Clerk or Chair of Executive will take whatever action is deemed necessary following a thorough investigation (taking no more than two weeks) including reporting the matter to the police if considered appropriate, referring it to Council or writing to the member of the public. If necessary, advice will be sought from an external body before appropriate action is taken.

### **6.3 What you should do if you feel you are being bullied or harassed by a councillor:**

If you are being bullied or harassed by a councillor, please raise this with the Clerk/Council Leader or the Chair of the Executive Committee in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer and not the Town Council.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

### **6.4 What you should do if you witness an incident you believe to be harassment or bullying:**

If you witness such behaviour you should report the incident in confidence to your line manager/ the clerk or the Chair of the Executive Committee. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

### **6.5 What you should do if you are being bullied or harassed by another member of staff:**

If the employee considers that they may have been subjected to conduct amounting to a criminal offence (such as sexual assault), the Town Clerk (or if the employee's issue is with the Town Clerk, the Executive Chair) will arrange for the employee to be assisted to make a formal complaint to the police or to provide the employee with any other assistance that they may require. Compassionate leave may be granted at the discretion of the Council.

It is helpful to make a note of the time, place and nature of any specific incidents and attempt to discuss them. This will provide useful information in following these procedures.

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below:

## **7. Informal Resolution**

- 7.1 If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk, your line manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).
- 7.2 If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own line manager, you should raise the issue with the clerk or chair of the Executive Committee. (If your concern relates to the clerk, you should raise it with the chair of the Executive Committee/Council Leader).
- 7.3 The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:
- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
  - such behaviour is contrary to our policy
  - for employees, the continuation of such behaviour could amount to a serious disciplinary offence
- 7.4 It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.
- 7.5 In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.
- 7.6 If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

## **8. Raising a formal complaint**

- 8.1 If informal resolution is unsuccessful or inappropriate and at any time, whether or not informal steps have been taken, an employee who feels that they or others have been

bullied or harassed in a way that breaches this policy can raise the matter with the Clerk (or if the employee's issue is with the Clerk, the Chair of Executive), either verbally or in writing. The Clerk/Chair of Executive shall form a Grievance & Harassment Panel from members of the Executive who will have no prior knowledge of the case. If the matter relates to a staff member and if the matter is serious enough, that staff member may be suspended on full pay pending the outcome of the investigation. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

- 8.2 The clerk/Chair of Executive will investigate your case as soon as possible, to establish whether there is a need to take disciplinary action. The Clerk/Chair of Executive will inform the person(s) against whom the allegation is made of the nature of the details and that the matter is being investigated formally. Investigations will be carried out with sensitivity and with due respect for the rights of both parties..
- 8.3 You will need to co-operate with the investigation and provide the following details (if not already provided):
- The name of the alleged perpetrator(s),
  - The nature of the harassment or bullying,
  - The dates and times the harassment or bullying occurred,
  - The names of any witnesses and
  - Any action taken by you to resolve the matter informally.
- 8.4 The alleged perpetrator(s) would normally need to be told your name and the details of your case in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.
- 8.5 Where your case relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.
- 8.6 Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.
- 8.7 The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your case (see the grievance policy for further information, and details of your right to be accompanied).
- 8.8 Wherever possible investigations will be completed within two weeks of the complaint being made. However, where there are good reasons, e.g., the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
- 8.9 The importance of confidentiality will be stressed to all those interviewed, and everyone will be strictly required not to discuss the case with colleagues or friends. Breach of confidentiality may give rise to disciplinary action. The Council also reserves the right

to seek assistance from external facilitators at any stage, in the interest of seeking a satisfactory outcome for all concerned.

- 8.10 After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.
- 8.11 Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing within five working days, explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

## 9. **The use of the Disciplinary Procedure**

- 9.1 If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate via our disciplinary policy. We will keep you informed of the outcome.

*This is a non-contractual policy and procedure which will be reviewed from time to time.*

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## **GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

### 1. Introduction

- 1.1 The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.
- 1.2 Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council's that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.
- 1.3 The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however, should be considerate of equality, diversity and inclusion.
- 1.4 The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

### **Notes:**

### 2. **Protected Characteristics**

- 2.1 A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.
- 2.2 Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic.
- 2.3 Examples of harassment related to a protected characteristic could include;
  - a. Making assumptions about someone's ability due to their **age** or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
  - b. Making fun or mimicking impairments related to a health condition or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.



- c. Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
  - d. **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
  - e. Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
  - f. **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
  - g. Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
  - h. Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.
3. A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.
- a. Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
  - b. New or established employees who are dismissed or treated unreasonably because of a health condition can make a discrimination claim.
  - c. An employee subjected to harassment can make a discrimination claim at a tribunal.
  - d. An employee asked to retire can make a discrimination claim at a tribunal.
4. **Legal risks**
- 4.1 Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.
  - 4.2 A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.
  - 4.3 The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.
5. **Culture and behaviour**

- 5.1 We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.
- 5.2 It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.
- 5.3 It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further.
- 5.4 The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.
- 5.5 Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

## 6. **Scope**

- 6.1 All council representatives are expected to uphold the values of the Dignity at Work Policy; however, this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.
- 6.2 Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

## 7. **Managers**

- 7.1 Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

## 7.2. **Bullying and harassment & performance management**

- 7.3 The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.
- 7.4 Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

## 8. **Responsibilities**

- 8.1 All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.
- 8.2 Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

## 9. **During the investigation**

- 9.1 Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.
- 9.2 Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.
- 9.3 Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.
- 9.4 Ensure that you communicate regularly with both parties.
- 9.5 The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

## 10. **Confidentiality**

- 10.1 It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative

(clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

- 10.2 During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations, it may be appropriate to provide anonymised witness statements however this would be a last resort and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

## 11. **Victimisation**

- 11.1 All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelled a planned training event or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

## 12 **False allegations**

- 12.1 If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially gross misconduct.

## 13. **Complaints against Councillors**

- 13.1 Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.
- 13.2 Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council or require exploration of the councillor's behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct.
- 13.3 It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

Last Reviewed Sep 2023  
Next Review Date Sep 2027

Progress Report

Item 9

Committee	Minute Reference	Subject	Action	Assigned to	Timescale	Comments or further action
Executive	EX0318/10	STAFFING Update	<p>a) Leavers – receiving reports of exit interviews from both staff and councillors;</p> <p>b) New starters – to receive results of probationary assessments</p> <p>c) Time Off In Lieu - status against policy</p> <p>d) Appraisal schedule / Salary scale increases approved</p> <p>e) Report on implementation of HR policies to deal with issues including disciplinary, grievance, sickness and absence</p> <p>f) Recorded accidents at work</p> <p>g) Sickness / Occupational health issues</p> <p>h) Status of volunteers/self-employed contractors</p>	Deputy Town Clerk	Every meeting	<p>a) RFO has resigned, update on role on agenda.</p> <p>b) Nothing to report.</p> <p>c) All in order.</p> <p>d) Nothing to report.</p> <p>e) Nothing to report.</p> <p>f) Nothing to report.</p> <p>g) Executive Chair and Leader aware of all staff absences.</p> <p>h) No volunteers at this present time.</p>
Executive	EX1221/09	Strategic Plan	Town Clerk/Councillors Browne and Murphy to work on action to reduce carbon footprint by 25%, reporting actions back to Executive Committee in March 2022.	Town Clerk, Cllrs Browne and Murphy		This is to be discussed with the current strategy action plan group.
Executive	EX0623/09	Asset Register Review	<p>Councillors discussed the clocks on the Asset Register, there were discussions around whether to utilise them or put them up for sale as per the RFO recommendations in the Asset Report. Councillors noted that one of the clocks was manufactured in Diss and would be of significant value to the Town and should be displayed. In the Council Chamber.</p> <p>Councillors were advised that if they wanted to discuss the clocks further and make a resolution they would need to contact the Clerk to have the item placed on the Full Council agenda. Council discussed the variances in the figures of some of the assets owned by the Council in the Asset Register.</p> <p>Committee would like an explanation of the variances in a report by the RFO to the next Executive Committee in</p>	RFO	by Sept Executive Committee meeting	<p>Variances on figures on the asset register on September agenda.</p> <p>All other items passed over to Clerk for FC agenda.</p>
Executive	EX0623/12	Policies to be read in advance of the meeting, comments to be sent to COO or chair of Executive committee	<p>a) To agree to bring back the bullying and harassment policy to the September meeting with changes made to the document as agreed by Committee.</p> <p>b) To approve a new document control and records management policy.</p>	COO	immediately	<p>On Agenda.</p> <p>Completed and agreed on June Agenda.</p>